

FILED
JAMES J. WALDRON

OCT - 4 2006

SCARPONE STAIANO LLC

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U.S. BANKRUPTCY COURT
NEWARK, N.J.
BY M. J. Waldron DEPUTY

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

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In re:	: Hon. Morris Stern
	:
PITTRA G.B. INTERNATIONAL, INC.,	: Case No. 06-10889 (MS)
	:
Debtor.	: Chapter 7
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	: Adv. Pro. No. 06-02702 (MS)
BENJAMIN A. STANZIALE, JR., CHAPTER	:
7 TRUSTEE FOR PITTRA G.B.	:
INTERNATIONAL, INC.,	: ORDER CONTINUING
	: TEMPORARY RESTRAINTS
Plaintiff,	: AND FOR DISCOVERY
v.	:
	:
ARTHUR KUPPERMAN, PAULETTE	:
KRELMAN, E. ROSS BROWNE, SR.,	:
ESCROW AND CLOSING SERVICES LTD.,	:
PGB INTERNATIONAL, LLC and	:
WACHOVIA BANK, N.A.,	:
	:
Defendants.	:
-----	X

The relief set forth on the following pages, numbered two (2) through four (4),
is hereby **ORDERED**.

10/4/06

M. J. Waldron

Debtor: PITTRA G.B. International, Inc.
Case No.: 06-10889 (MS)
Adv. Pro. No.: 06-02702 (MS)
Caption of Order: Order ~~Granting Continuing Temporary~~ Restraints and For Discovery

This matter comes before the Court on the continued hearing on the Order to Show Cause and Verified Complaint of Benjamin A. Stanziale, Jr., Plaintiff in this proceeding and Chapter 7 trustee ("Trustee") for debtor PITTRA G.B. International, Inc. ("Debtor") and the Trustee's supplemental request for relief for the appointment of a custodial receiver for PGB International, LLC ("PGB International"), by and through his attorneys, Scarpone Staiano LLC. The Court has considered the papers submitted in support of the Trustee's requests for relief and the arguments of counsel (James A. Scarpone, Esq., Scarpone Staiano LLC, counsel to the Trustee; A. Michael Covino, Esq., Budd Lerner, counsel to Arthur Kupperman and PGB International, LLC; Ben H. Becker, Esq., Becker Meisel, former counsel to the Debtor; George Hirsch, Esq., Bressler, Amery & Ross, P.C., counsel to Merrill Lynch Business Financial Services Inc.; John Gleason, Esq., Gleason & Koatz, counsel for Empressa Lourdes, S.A.; and Wendy Green, Esq., McCusker, Anselmi, Rosen, Carvelli & Walsh, P.A., counsel for Yantai North Andre Juice Co., Ltd.

As such, it is now **ORDERED** as follows:

1. Upon service of this Order and until November 1, 2006, defendant PGB International be and hereby is restrained and enjoined² from transferring, encumbering or in any

*injunction is PRELIMINARY ² jrf

way disbursing any and all assets in its possession or control; except that PGB International may make transfers in payment of obligations incurred in the ordinary course of business pending further Order of the Court.

2. Pending further order of this Court and for so long as the restraints set forth in paragraph 1 continue, the defendant PGB International shall on a weekly basis and no later than 5:00 p.m. on each Friday, or if Friday is a holiday, the last business day of the week, provide the Trustee and his counsel (by fax to the Trustee at 973-731-9401 and to the Trustee's counsel at 973-648-0152) with a report containing the following:

- a. a schedule setting forth all cash receipts and disbursements by PGB International for that week;
- b. a schedule setting forth PGB International's then current bank balances and identifying all banks and bank accounts by number;
- c. a brief explanation of the purpose for each cash disbursement;
- d. a complete payroll schedule identifying each employee and the amount of his or her compensation.

3. Defendant PGB International by and through its counsel, Budd Larner, shall designate an officer for the taking of its deposition.

4. The Trustee be and is hereby authorized to take the depositions defendants Paulette Krelman ("Krelman"), PGB International and E. Ross Browne, Sr. ("Browne") on five days' notice.

5. Counsel to the Trustee shall provide a list of further documents to be produced to the Trustee by PGB International, to its counsel, Budd Larner, and PGB

International shall provide the requested documents to counsel to the Trustee within five days of service of the document demands upon Budd Lerner. *or seek relief from the Court w/ said 3y period.*

6. The Court shall hold a hearing on November 1, 2006 at 11:00 a.m. to determine:

- (i) Whether the ~~temporary~~ ^{preliminary} injunction embodied herein shall be extended, ~~per Fed.R.Civ.P. 65(b);~~
- (ii) Whether a preliminary injunction extending the said temporary injunction shall issue;
- (iii) Whether additional discovery shall be required; and
- (iv) Whether such other *ad interim* relief shall be granted the Trustee as is justified under the circumstances.

7. The Trustee shall file and serve (by email or telefax) any further submission specifying and in support of this and further relief to be sought at the November 1, 2006 hearing, by October 30, 2006 (12:00 p.m.).

8. The ~~temporary~~ injunction imposed herein upon PGB International may be dissolved or modified upon application by that party on one day's notice to Trustee's counsel and those parties-in-interest appearing at the September 29, 2006 hearing.

9. The Trustee shall serve this Order this day, by telefax or email where feasible, and otherwise by first-class mail.

Trustee's application for appointment of a Receiver for PGB International is denied, w/o prejudice, w/o an adjudication on the merits, and w/o exercise of such jurisdiction as would divest the Superior Court of New Jersey of jurisdiction to entertain such an application.